

## Message Text

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C O N F I D E N T I A L STATE 001725

E.O. 11652: GDS

TAGS: SHUM, KS

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

1. THE HUMAN RIGHTS COUNTRY EVALUATION PLAN FOR THE REPUBLIC OF KOREA HAS BEEN COMPLETED, CLEARED WITHIN THE DEPARTMENT AND APPROVED BY THE BUREAU OF HUMANITARIAN AFFAIRS (HA). PART A AND THE INTRODUCTION WILL BE SUBMITTED TO CONGRESS AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD), WHILE PART B WILL REMAIN CLASSIFIED. CURRENT PLANS ARE FOR PART B TO BE REVIEWED BY THE INTERAGENCY COMMITTEE ON HUMAN RIGHTS (THE CHRISTOPHER COMMITTEE) AT A LATER DATE. PART A WAS SUPPOSED TO BE TYPED IN THE SPECIAL FORMAT FOR THE CPD AND SUBMITTED TO THE DEPUTY SECRETARY BY DECEMBER 15 IN ORDER TO MEET A TIGHT SCHEDULE FOR FINAL SEVENTH FLOOR REVIEW AND PRINTING BUT A NUMBER OF REPORTS ARE RUNNING LATE.

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2. WE ARE TRANSMITTING THE FINAL VERSION OF PART A FOR YOUR INFORMATION. GIVEN THE CONSTRAINTS UNDER WHICH WE ARE OPERATING, IT WAS UNFORTUNATELY IMPOSSIBLE TO SEEK YOUR CLEARANCE OR SUGGESTIONS AGAIN AT THE LATTER STAGES OF REVISION. IF YOU FIND MAJOR FACTUAL ERRORS OR BELIEVE SEVERE DAMAGE WILL RESULT TO U.S. INTERESTS FROM SPECIFIC STATEMENTS, WE SHOULD BE INFORMED BY IMMEDIATE TELEGRAM

WITH EA ONLY CAPTION. INSTRUCTIONS WILL BE GIVEN LATER CONCERNING ADVANCE NOTIFICATION OF ROKG. PART B TEXT CURRENTLY REMAINS SAME AS SENT TO YOU EARLIER IN POUCH (MISCH/WILLNER LETTER). ALTHOUGH CHANGES TO PART B MAY BE EXTREMELY DIFFICULT TO EFFECT AT THIS ADVANCE STAGE, WE WOULD WELCOME ANY COMMENT YOU HAVE. TEXT FOLLOWS:

INTRODUCTION: THE DIVISION OF THE KOREAN PENINSULA AND THE CONTINUING HOSTILITY OF NORTH KOREA TOWARD THE SOUTH ARE PERVASIVE FACTORS IN SOUTH KOREA'S EXISTENCE.

PARK CHUNG HEE LED A BLOODLESS MILITARY COUP IN 1961. HE WAS ELECTED PRESIDENT IN 1963. AFTER HE DECLARED MARTIAL LAW IN 1972, THE CONSTITUTION WAS SUBSTANTIALLY REVISED TO CONCENTRATE POWER INTO THE HANDS OF THE EXECUTIVE.

SOUTH KOREA HAS EMERGED AS A MID-LEVEL ECONOMIC POWER FOLLOWING SEVERAL YEARS OF IMPRESSIVE ECONOMIC GROWTH. THE REPUBLIC OF KOREA RECEIVES U.S. SECURITY SUPPORT WHICH WE PROVIDE DUE TO U.S. STRATEGIC INTERESTS IN NORTHEAST ASIA.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

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A. TORTURE - THE AMNESTY INTERNATIONAL MISSION TO KOREA IN EARLY 1975 REPORTED NUMEROUS CREDIBLE CASES OF TORTURE DURING THE YEARS 1971-74. ADDITIONAL REPORTS OF TORTURE DURING 1975 HAVE BEEN CITED BY AMNESTY AND THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS. THERE WERE FEW ALLEGATIONS IN 1976 OF TORTURE. HOWEVER, DURING THE PAST YEAR, RETIRED GENERAL AND GOVERNMENT NATIONAL ASSEMBLYMAN KANG MUN-PONG STATED IN COURT THAT HE HAD BEEN TORTURED DURING INTERROGATION ABOUT INCOME TAX EVASION. ALTHOUGH EXCESSES CANNOT BE RULED OUT IN ISOLATED CASES, ESPECIALLY THOSE INVOLVING ACCUSED ESPIONAGE AGENTS, HUMAN RIGHTS ACTIVISTS IN KOREA REPORT THAT TORTURE IS NO LONGER REGULARLY EMPLOYED.

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C. ARBITRARY ARREST OR IMPRISONMENT - THE KOREAN GOVERNMENT UTILIZES EMERGENCY MEASURES AUTHORITY TO EFFECT ARREST, DETENTION, SEARCH OR SEIZURE WITHOUT WARRANT. SHORT TEMPORARY DETENTION FOR QUESTIONING IS USED TO PREVENT POLITICAL ACTIVISTS FROM CARRYING OUT DEMONSTRATIONS OR IN THE HOPE OF HALTING OTHER ANTI-GOVERNMENT POLITICAL

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ACTIVITIES. THE 1977 AMNESTY REPORT STATES THAT ARBITRARY ARREST AND HARASSMENT HAS BEEN USED AGAINST OPPOSITION POLITICAL AND RELIGIOUS LEADERS, TEACHERS, JOURNALISTS AND TRADE UNION LEADERS. EXTENDED IMPRISONMENT ONLY OCCURS IN CONNECTION WITH FORMAL CHARGES AND TRIAL FOR VIOLATIONS OF SPECIFIC LAWS OR EMERGENCY MEASURES. THOSE MEASURES CONFLICT WITH INTERNATIONAL STANDARDS WITH RESPECT TO CIVIL AND POLITICAL LIBERTIES. SEVERAL RELEASES OF SMALL GROUPS OF POLITICAL PRISONERS IN RECENT MONTHS INCLUDED MANY OF THE INDIVIDUALS CITED IN AMNESTY'S REPORT. PRIOR THERETO, AMNESTY ESTIMATED SEVERAL HUNDRED POLITICAL PRISONERS REMAINED INCARCERATED IN KOREA. THE U.S. GOVERNMENT ESTIMATE AS OF LATE DECEMBER 1977 WAS THAT FEWER THAN 150 PERSONS REMAINED IN PRISON UNDER KOREAN EMERGENCY MEASURES.

D. DENIAL OF FAIR PUBLIC TRIAL - TRIALS ARE PUBLIC. THERE HAVE BEEN REPORTS OF EXECUTIVE BRANCH PRESSURE ON JUDGES IN SOME TRIALS OF A POLITICAL NATURE, AND OF HARASSMENT OF LEGAL COUNSEL AND WITNESSES FOR THE DEFENSE IN POLITICALLY SENSITIVE TRIALS. UNDER 1974 EMERGENCY MEASURES (NOW RESCINDED) TRIALS WERE BY SPECIAL MILITARY COURT AND WERE NOT PUBLIC. EIGHT ALLEGED MEMBERS OF THE "PEOPLES REVOLUTIONARY PARTY" WERE HANGED ON APRIL 9, 1975, THE DAY AFTER THE SUPREME COURT UPHELD THEIR DEATH SENTENCES. AMNESTY INTERNATIONAL CONCLUDED THAT THE CHARGES IN THE PEOPLES REVOLUTIONARY PARTY CASE WERE "FABRICATED"; AND THE CASE WAS PROSECUTED IN SUCH A MANNER AS TO RAISE SERIOUS DOUBTS AS TO WHETHER OR NOT THOSE CHARGED RECEIVED A FAIR TRIAL.

E. INVASION OF THE HOME - POLICE AND SECURITY OFFICIALS MAY ENTER AND SEARCH THE HOMES OF SUSPECTS WITHOUT WARRANT

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UNDER THE PROVISIONS OF AN EMERGENCY DECREE. THERE ARE SPORADIC REPORTS OF THIS AUTHORITY BEING USED IN CONNECTION WITH CASES OF POLITICAL DISSENTERS.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES:

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - THE HEART OF THE KOREAN HUMAN RIGHTS PROBLEM IS THE RESTRICTION OF POLITICAL LIBERTIES. THE 1972 YUSHIN CONSTITUTION DOES NOT

PROVIDE FOR THE DIRECT ELECTION OF THE PRESIDENT, AND CONSTITUTIONAL REFORM IS THE FOCUS OF ANTI-GOVERNMENT CRITICS WHO CHARGE THAT THE CONSTITUTION WAS RAMMED THROUGH THE ASSEMBLY ILLEGALLY. THESE CRITICS DO NOT CONSIDER THE RESULTS OF A POPULAR REFERENDUM IN EARLY 1975 APPROVING THE CONSTITUTION TO BE LEGITIMATE. EMERGENCY MEASURE NO. 9 (EM-9-PROMULGATED MARCH 13, 1975 IN ACCORD WITH THE EMERGENCY PROVISION OF THE CONSTITUTION, PROHIBITS SPECIFIED POLITICAL ACTIVITIES, INCLUDING CALLS FOR CONSTITUTIONAL REVISION AND CRITICISM OF THE EMERGENCY MEASURE ITSELF, ANY POLITICAL ACTIVITIES BY STUDENTS, AND THE REPORTING OF ACTIVITIES PROHIBITED UNDER THE EMERGENCY MEASURE AS WELL AS THE SPREADING OF "FALSE RUMORS".

IN ADDITION, THE KOREAN NATIONAL ASSEMBLY PASSED LAWS IN 1975 MAKING IT A CRIMINAL OFFENSE TO CRITICIZE THE GOVERNMENT TO FOREIGNERS AND PROVIDING FOR POLITICAL SURVEILLANCE, LIMITATIONS ON RESIDENCE, AND POSSIBLE PREVENTIVE DETENTION FOR FORMER "ANTI-STATE" PRISONERS.

OTHER TOOLS WHICH CAN BE USED FOR POLITICAL CONTROL INCLUDE A SYSTEM OF MILITARY-CIVIL DEFENSE SERVICE FOR ALL MALES UP TO THE AGE OF 55 AND A STUDENT DEFENSE CORPS WHICH INCORPORATES ALL EXTRA-CURRICULAR STUDENT GROUPS. IN ADDITION, ANNUAL REVIEW OF FACULTY CONTRACTS MAY BE USED TO DISCOURAGE POLITICAL EXPRESSION AND ACTIVITY BY PRO-CONFIDENTIAL

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FESSIONS.

UNDER NOW-RESCINDED 1974 EMERGENCY MEASURES, 203 PERSONS WERE CONVICTED OF WHOM 168 WERE SUBSEQUENTLY RELEASED, ALTHOUGH NOT PARDONED. THE REMAINING PRISONERS WERE FOUND GUILTY OF CRIMES UNDER EXISTING STATUTES; EIGHT WHO HAD BEEN SENTENCED TO DEATH UNDER THE ANTI-COMMUNIST AND

NATIONAL SECURITY LAWS WERE EXECUTED. EMERGENCY DECREE NO. 9 (EM-9) ESSENTIALLY REPLACES THE 1974 DECREES.

WE BELIEVE THAT MORE THAN 500 INDIVIDUALS HAVE BEEN CHARGED AT ONE TIME OR ANOTHER FOR VIOLATION OF THE CURRENTLY ENFORCED EM-9.

IN 1976 THE COURTS CONCLUDED TWO ESPECIALLY IMPORTANT TRIALS. THE MYONGDONG DECLARATION CASE, IN WHICH A NUMBER OF PROMINENT POLITICAL AND RELIGIOUS PERSONALITIES ISSUED A STRONG CRITICISM OF THE REGIME ON MARCH 1, 1976, ENDED IN SENTENCES OF UP TO FIVE YEARS FOR SOME OF THE ACCUSED FOR POLITICAL ACTIVITIES PROHIBITED UNDER EM-9. THE COURTS ALSO SENTENCED POET KIM CHI-HA TO SEVEN YEARS FOR VIOLATING THE ANTI-COMMUNIST LAW (ALTHOUGH KIM WAS ALREADY

SERVING A LIFE TERM FOR A PREVIOUS EMERGENCY MEASURE CONVICTION). AMNESTY CHARGES OF DENIAL OF DUE PROCESS WERE MADE INVOLVING THESE DEFENDANTS BECAUSE DEFENSE COUNSEL WAS NOT GIVEN FREE ACCESS TO PRISONERS AND WAS UNABLE TO PRESENT WITNESSES.

SINCE EARLY 1977 THE GOVERNMENT HAS FOR THE MOST PART AVOIDED COURT TRIALS, FORMAL ARREST, OR LONG TERM DETENTION. INSTEAD, IN THE FACE OF POTENTIAL CHALLENGE -- ESPECIALLY FROM THE STUDENTS -- SECURITY FORCES HAVE STEPPED UP SURCONFIDENTIAL

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VEILLANCE TO FRUSTRATE EFFORTS TO MOUNT SIGNIFICANT DEMONSTRATIONS AND UNDERTAKE OTHER POLITICAL ACTIVITIES. HOWEVER, SOME ARRESTS CONTINUE TO TAKE PLACE.

THE MOST RECENT SIGNS OF POSSIBLE RELAXATION INCLUDE A RESOLUTION PASSED BY THE GOVERNMENT CONTROLLED NATIONAL ASSEMBLY ON JULY 6 REQUESTING THAT EMERGENCY MEASURES BE LIFTED AND LENIENCY BE SHOWN TO THE EMERGENCY MEASURE PRISONERS. THIS WAS FOLLOWED BY THE PAROLE OF 14 EM-9 PRISONERS ON JULY 17 AND 17 MORE ON AUGUST 15 WHO WERE RELEASED AFTER SIGNING A CAREFULLY WORDED STATEMENT OF REGRET, THE TEXT OF WHICH HAD BEEN NEGOTIATED BETWEEN THE KOREAN GOVERNMENT AND KOREAN HUMAN RIGHTS AND CHURCH LEADERS. IN OCTOBER 1977, THE GOVERNMENT ENTERED INTO UNPRECEDENTED DIRECT DISCUSSIONS WITH LEADING DISSIDENTS IN AN EFFORT TO WORK OUT A PLAN FOR RELEASE OF MOST EM-9 PRISONERS.

AS 1977 DREW TO A CLOSE, PRISONER RELEASES TOOK A SIGNIFICANT STEP FORWARD. ELEVEN EM-9 VIOLATORS, INCLUDING ONE MYONGDONG DEFENDANT, WERE RELEASED FROM PRISON ON CHRISTMAS DAY. ON DECEMBER 31, THE ROKG RELEASED WITH A PARDON THE

FIVE MYONGDONG DEFENDANTS WHO WERE STILL IN PRISON. THE ONLY MYONGDONG DEFENDANT WHO REMAINED IN CUSTODY WAS FORMER PRESIDENTIAL CANDIDATE KIM TAE-CHUNG. KIM HAD BEEN MOVED FROM PRISON TO SEOUL NATIONAL UNIVERSITY HOSPITAL DECEMBER 19 FOR MEDICAL TREATMENT.

WITHIN THE PAST SIX MONTHS, THE PRESS, ALTHOUGH STILL UNDER SIGNIFICANT RESTRAINTS, HAS EXPANDED CONSIDERABLY THE DIMENSIONS OF ITS DISCUSSION OF CONTROVERSIAL ISSUES, INCLUDING FULLER REPORTING OF NATIONAL ASSEMBLY DEBATES AND FORTHRIGHT COVERAGE OF U.S. CONGRESSIONAL HEARINGS RELATED TO KOREAN INFLUENCE-BUYING SCANDALS AND THE SUBJECT OF MR. TONGSUN PARK.

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THERE ARE PROHIBITIONS ON DIRECT CRITICISM OF PRESIDENT

PARK OR THE YUSHIN POLITICAL SYSTEM, OR EXPRESSION OF PRO-NORTH KOREAN SENTIMENTS. EMERGENCY MEASURE NO. 9 ALSO PROHIBITS CRITICISM OF THE EMERGENCY REGULATION ITSELF. RELIGIOUS EXPRESSION IS GIVEN WIDE LATITUDE AND NO RESTRICTIONS EXIST ON PROSELYTIZING BY ANY SECT.

TRADE UNION ORGANIZATION IS PERMITTED. COLLECTIVE BARGAINING CONTRACTS COVER 720,000 WORKERS RESULTING IN BETTER WAGES AND WORKING CONDITIONS THAN THEIR UNORGANIZED COUNTERPARTS. HOWEVER, UNIONS MAY NOT STRIKE. LOW WAGES AND LONG WORKING HOURS REMAIN CONTINUING PROBLEMS PARTICULARLY AMONG SMALLER, MARGINAL COMPANIES. LABOR CONDITIONS AMONG SUCH COMPANIES HAVE DRAWN SHARP ATTACKS FROM FOREIGN AND KOREAN SOCIAL CRITICS.

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY, FOREIGN TRAVEL AND EMIGRATION POLICIES - FREEDOM OF MOVEMENT EXISTS WITHIN THE COUNTRY. THERE ARE SOME RESTRICTIONS ON FOREIGN TRAVEL, FOR POLITICAL, SECURITY AND ECONOMIC REASONS. HOWEVER, BY 1980 THE KOREAN GOVERNMENT HOPES ITS FOREIGN EXCHANGE POSITION WILL PERMIT TOURISM ABROAD. THE KOREAN GOVERNMENT HAS A LIBERAL EMIGRATION POLICY -- MORE THAN 30,000 TO THE U.S. IN 1976.

C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS - THE ONLY DIRECTLY ELECTED OFFICIALS IN KOREA ARE TWO-THIRDS OF THE NATIONAL ASSEMBLY REPRESENTATIVES. MOST EFFECTIVE POWER IS CENTRALIZED IN THE OFFICE OF THE PRESIDENT. HE APPOINTS ONE-THIRD OF THE NATIONAL ASSEMBLY MEMBERSHIP, THE PRIME MINISTER AND THE CABINET, AND MAY SUSPEND INDIVIDUAL RIGHTS BY DECREE.  
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SINCE WORLD WAR II, NATIONAL ASSEMBLYMEN HAVE GENERALLY HAD VERY HIGH PRESTIGE IN KOREA. FOLLOWING THE INTRODUCTION OF THE PRESENT YUSHIN CONSTITUTION IN 1972, HOWEVER, THE PUBLIC HAS CORRECTLY PERCEIVED THE REDUCED INFLUENCE AND INDEPENDENCE OF THE NATIONAL ASSEMBLY AND THE PRESTIGE OF ASSEMBLYMEN HAS DECLINED CORRESPONDINGLY. HOWEVER, THE 1977 ASSEMBLY SESSION WITNESSED A MARKED REVIVAL OF ACTIVE DEBATE AND CRITICISM OF GOVERNMENT POLICIES. GRASS ROOTS EXCHANGE BETWEEN THE PEOPLE AND THE BUREAUCRACY TAKE PLACE THROUGH AN EXTENSIVE SYSTEM OF VILLAGE COUNCILS AND SELF-HELP PROJECTS.

ANOTHER DIMENSION OF THE PROBLEM CENTERS ON THE DIRECTION OF POLITICAL DEVELOPMENT IN KOREA. THOSE IN OPPOSITION TO THE CURRENT AUTHORITARIAN STYLE OF GOVERNMENT ARE NOT OF

ONE MIND ABOUT THE NATURE OF A SYSTEM TO TAKE ITS PLACE. SOME DESIRE THE URGENT IMPLEMENTATION OF A WESTERN STYLE DEMOCRATIC FORM OF GOVERNMENT. OTHERS ARGUE THAT KOREA'S POLITICAL AND CULTURAL TRADITIONS AND SPECIAL SECURITY PROBLEMS JUSTIFY A CONTINUATION OF A STRONG AND DECISIVE CENTRAL GOVERNMENT. HOWEVER, THEY TOO WANT A GOVERNMENT TO RESPECT THE INTEGRITY OF MINORITIES EVEN IF THE LATTER ARE CRITICAL. THEY ALSO WANT THE GOVERNMENT TO PROMOTE A GRADUAL OPENING OF THE POLITICAL SYSTEM TO PERMIT THE DEVELOPMENT OF PARTICIPATORY DEMOCRACY.

RAPID INDUSTRIALIZATION, ECONOMIC GROWTH AND CONCOMITANT SOCIAL MODERNIZATION ARE CREATING NEW POWER CENTERS IN BUSINESS, IN THE BUREAUCRACY, AND ELSEWHERE. SUCH INDICATIONS ARE PARTICULARLY VISIBLE AT THE COMMUNITY LEVEL.

3. RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION:

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A. POLICIES RESPONDING TO OR IGNORING NEEDS OF THE POOR - THE CORNERSTONE OF THE KOREAN GOVERNMENT'S POPULAR SUPPORT HAS BEEN ITS ECONOMIC PERFORMANCE, BOTH IN STIMULATING GROWTH AND IN PROVIDING ACCESS TO THE INCREASED WEALTH BY MOST ELEMENTS OF THE SOCIETY. PER CAPITA GNP HAS GROWN FROM LESS THAN \$200 IN 1968 TO MORE THAN \$800 IN 1977, AND

THE WORLD BANK HAS PRAISED THE SUCCESS OF THE KOREANS IN MAINTAINING A RELATIVELY EGALITARIAN PATTERN OF INCOME DISTRIBUTION, PROVIDING WIDESPREAD AND USEFUL EDUCATIONAL OPPORTUNITIES, AND MAKING AVAILABLE PRODUCTIVE EMPLOYMENT FOR A GROWING LABOR FORCE (AT THE SAME TIME REDUCING THE POPULATION GROWTH RATE). MUCH REMAINS TO BE DONE, AND PUBLIC HEALTH CARE, VOCATIONAL EDUCATION, LABOR RELATIONS AND INDUSTRIAL SAFETY ARE PRIORITY ITEMS FOR THE NEXT FIVE-YEAR ECONOMIC PLAN. REAL INCOME HAS BEEN RISING IN THE ECONOMY AS A WHOLE.

SOUTH KOREA IS EXCEPTIONAL AMONG DEVELOPING ASIAN COUNTRIES IN ITS LACK OF CLASS DISTINCTIONS, RAPID SOCIAL MOBILITY, USE OF A MERIT SYSTEM IN DETERMINING ACCESS TO HIGHER EDUCATION, AND EFFORTS TO REDUCE THE DISPARITY BETWEEN RURAL AND URBAN INCOMES.

B. CORRUPTION DIVERTING RESOURCES TOWARD THE ELITE AND AWAY FROM THE POOR - EQUALLY IMPRESSIVE AND IMPORTANT FOR POPULAR SUPPORT HAS BEEN AN INTENSE GOVERNMENT CAMPAIGN WHICH HAS VIRTUALLY ELIMINATED LOW LEVEL CORRUPTION AND

SIGNIFICANTLY REDUCED IT AT THE HIGHER LEVELS.

DURING 1977 THE OPPOSITION NOW DEMOCRATIC PARTY HAS CONDUCTED A MAJOR CAMPAIGN TO EXPOSE ALLEGED CORRUPTION  
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WITHIN THE GOVERNMENT. PRESIDENT PARK HAS RESPONDED WITH STRONG ADMONITIONS TO HIS CABINET TO ENFORCE DISCIPLINE AND HONESTY, AND HAS SUPPORTED THE PUBLICATION IN THE PRESS OF THE NAMES OF CORRUPT PUBLIC OFFICIALS.

4. GOVERNMENT RESPONSIBILITY FOR THE FOREGOING RECORD: THE SOCIAL AND ECONOMIC PROGRAMS WHICH HAVE PRODUCED SIGNIFICANT PROGRESS OF BENEFIT TO THE KOREAN PEOPLE. HOWEVER, IT IS ALSO RESPONSIBLE FOR A POLITICAL SYSTEM WHICH CURTAILS CIVIL AND POLITICAL LIBERTIES AND DENIES CERTAIN INDIVIDUAL HUMAN RIGHTS.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS: THE KOREAN GOVERNMENT HAS ALLOWED A NUMBER OF OUTSIDE HUMAN RIGHTS GROUPS TO VISIT AND INTERVIEW OPPOSITION FIGURES WITH FEW FORMAL RESTRICTIONS. AMNESTY INTERNATIONAL SENT A MISSION TO KOREA IN EARLY 1975. NEWSMEN ALSO HAVE FREEDOM OF MOVEMENT WITHIN SOUTH KOREA. THE GOVERNMENT HAS NOT ALLOWED INTERVIEWS WITH PERSONS ACTUALLY IN PRISON, AND INVESTIGATING GROUPS HAVE COMPLAINED THAT THOSE WITH WHOM THEY HAVE MET HAVE



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TO AMCONSUL HONG KONG IMMEDIATE

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FOR AMBASSADOR SNEIDER

FOLLOWING REPEAT STATE 1725 ACTION SEOUL 05 JAN 78

QUOTE

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C. ARBITRARY ARREST OR IMPRISONMENT - THE KOREAN GOVERNMENT UTILIZES EMERGENCY MEASURES AUTHORITY TO EFFECT ARREST, DETENTION, SEARCH OR SEIZURE WITHOUT WARRANT. SHORT TEMPORARY DETENTION FOR QUESTIONING IS USED TO PREVENT POLITICAL ACTIVISTS FROM CARRYING OUT DEMONSTRATIONS OR IN THE HOPE OF HALTING OTHER ANTI-GOVERNMENT POLITICAL ACTIVITIES. THE 1977 AMNESTY REPORT STATES THAT ARBITRARY ARREST AND HARASSMENT HAS BEEN USED AGAINST OPPOSITION POLITICAL AND RELIGIOUS LEADERS, TEACHERS, JOURNALISTS AND TRADE UNION LEADERS. EXTENDED IMPRISONMENT ONLY OCCURS IN CONNECTION WITH FORMAL CHARGES AND TRIAL FOR VIOLATIONS OF SPECIFIC LAWS OR EMERGENCY MEASURES. THOSE MEASURES CONFLICT WITH INTERNATIONAL STANDARDS WITH RESPECT TO CIVIL AND POLITICAL LIBERTIES. SEVERAL RELEASES OF SMALL GROUPS OF POLITICAL PRISONERS IN RECENT MONTHS INCLUDED MANY OF THE INDIVIDUALS CITED IN AMNESTY'S REPORT. PRIOR THERETO, AMNESTY ESTIMATED SEVERAL HUNDRED POLITICAL PRISONERS REMAINED INCARCERATED IN KOREA. THE U.S. GOVERNMENT ESTIMATE AS OF LATE DECEMBER 1977 WAS THAT FEWER THAN 150 PERSONS REMAINED IN PRISON UNDER KOREAN EMERGENCY MEASURES.

D. DENIAL OF FAIR PUBLIC TRIAL - TRIALS ARE PUBLIC.

THERE HAVE BEEN REPORTS OF EXECUTIVE BRANCH PRESSURE ON JUDGES IN SOME TRIALS OF A POLITICAL NATURE, AND OF HARASSMENT OF LEGAL COUNSEL AND WITNESSES FOR THE DEFENSE IN POLITICALLY SENSITIVE TRIALS. UNDER 1974 EMERGENCY MEASURES (NOW RESCINDED) TRIALS WERE BY SPECIAL MILITARY COURT AND WERE NOT PUBLIC. EIGHT ALLEGED MEMBERS OF THE "PEOPLES REVOLUTIONARY PARTY" WERE HANGED ON APRIL 9, 1975, THE DAY AFTER THE SUPREME COURT UPHELD THEIR DEATH SENTENCES. CONFIDENTIAL

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TENCES. AMNESTY INTERNATIONAL CONCLUDED THAT THE CHARGES IN THE PEOPLES REVOLUTIONARY PARTY CASE WERE "FABRICATED"; AND THE CASE WAS PROSECUTED IN SUCH A MANNER AS TO RAISE SERIOUS DOUBTS AS TO WHETHER OR NOT THOSE CHARGED RECEIVED A FAIR TRIAL.

E. INVASION OF THE HOME - POLICE AND SECURITY OFFICIALS MAY ENTER AND SEARCH THE HOMES OF SUSPECTS WITHOUT WARRANT UNDER THE PROVISIONS OF AN EMERGENCY DECREE. THERE ARE SPORADIC REPORTS OF THIS AUTHORITY BEING USED IN CONNECTION WITH CASES OF POLITICAL DISSENTERS.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES:

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - THE HEART OF THE KOREAN HUMAN RIGHTS PROBLEM IS THE RESTRICTION OF POLITICAL LIBERTIES. THE 1972 YUSHIN CONSTITUTION DOES NOT

PROVIDE FOR THE DIRECT ELECTION OF THE PRESIDENT, AND CONSTITUTIONAL REFORM IS THE FOCUS OF ANTI-GOVERNMENT CRITICS WHO CHARGE THAT THE CONSTITUTION WAS RAMMED THROUGH THE ASSEMBLY ILLEGALLY. THESE CRITICS DO NOT CONSIDER THE RESULTS OF A POPULAR REFERENDUM IN EARLY 1975 APPROVING THE CONSTITUTION TO BE LEGITIMATE. EMERGENCY MEASURE NO. 9 (EM-9-PROMULGATED MARCH 13, 1975 IN ACCORD WITH THE EMERGENCY PROVISION OF THE CONSTITUTION, PROHIBITS SPECIFIED POLITICAL ACTIVITIES, INCLUDING CALLS FOR CONSTITUTIONAL REVISION AND CRITICISM OF THE EMERGENCY MEASURE ITSELF, ANY POLITICAL ACTIVITIES BY STUDENTS, AND THE REPORTING OF ACTIVITIES PROHIBITED UNDER THE EMERGENCY MEASURE AS WELL AS THE SPREADING OF "FALSE RUMORS".

IN ADDITION, THE KOREAN NATIONAL ASSEMBLY PASSED LAWS IN 1975 MAKING IT A CRIMINAL OFFENSE TO CRITICIZE THE GOVERNMENT TO FOREIGNERS AND PROVIDING FOR POLITICAL SURVEILLANCE, LIMITATIONS ON RESIDENCE, AND POSSIBLE PREVENTION OF ACTIVITIES PROHIBITED UNDER THE EMERGENCY MEASURE. CONFIDENTIAL

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TIVE DETENTION FOR FORMER "ANTI-STATE" PRISONERS.

OTHER TOOLS WHICH CAN BE USED FOR POLITICAL CONTROL INCLUDE A SYSTEM OF MILITARY-CIVIL DEFENSE SERVICE FOR ALL MALES UP TO THE AGE OF 55 AND A STUDENT DEFENSE CORPS WHICH INCORPORATES ALL EXTRA-CURRICULAR STUDENT GROUPS. IN ADDITION, ANNUAL REVIEW OF FACULTY CONTRACTS MAY BE USED TO DISCOURAGE POLITICAL EXPRESSION AND ACTIVITY BY PROFESSORS.

UNDER NOW-RESCINDED 1974 EMERGENCY MEASURES, 203 PERSONS WERE CONVICTED OF WHOM 168 WERE SUBSEQUENTLY RELEASED, ALTHOUGH NOT PARDONED. THE REMAINING PRISONERS WERE FOUND GUILTY OF CRIMES UNDER EXISTING STATUTES; EIGHT WHO HAD BEEN SENTENCED TO DEATH UNDER THE ANTI-COMMUNIST AND NATIONAL SECURITY LAWS WERE EXECUTED. EMERGENCY DECREE NO. 9 (EM-9) ESSENTIALLY REPLACES THE 1974 DECREES.

WE BELIEVE THAT MORE THAN 500 INDIVIDUALS HAVE BEEN CHARGED AT ONE TIME OR ANOTHER FOR VIOLATION OF THE CURRENTLY ENFORCED EM-9.

IN 1976 THE COURTS CONCLUDED TWO ESPECIALLY IMPORTANT TRIALS. THE MYONGDONG DECLARATION CASE, IN WHICH A NUMBER OF PROMINENT POLITICAL AND RELIGIOUS PERSONALITIES ISSUED A STRONG CRITICISM OF THE REGIME ON MARCH 1, 1976, ENDED IN SENTENCES OF UP TO FIVE YEARS FOR SOME OF THE ACCUSED FOR POLITICAL ACTIVITIES PROHIBITED UNDER EM-9. THE COURTS ALSO SENTENCED POET KIM CHI-HA TO SEVEN YEARS FOR VIOLATING THE ANTI-COMMUNIST LAW (ALTHOUGH KIM WAS ALREADY

SERVING A LIFE TERM FOR A PREVIOUS EMERGENCY MEASURE CONVICTION). AMNESTY CHARGES OF DENIAL OF DUE PROCESS WERE  
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MADE INVOLVING THESE DEFENDANTS BECAUSE DEFENSE COUNSEL WAS NOT GIVEN FREE ACCESS TO PRISONERS AND WAS UNABLE TO PRESENT WITNESSES.

SINCE EARLY 1977 THE GOVERNMENT HAS FOR THE MOST PART AVOIDED COURT TRIALS, FORMAL ARREST, OR LONG TERM DETENTION. INSTEAD, IN THE FACE OF POTENTIAL CHALLENGE -- ESPECIALLY FROM THE STUDENTS -- SECURITY FORCES HAVE STEPPED UP SURVEILLANCE TO FRUSTRATE EFFORTS TO MOUNT SIGNIFICANT DEMONSTRATIONS AND UNDERTAKE OTHER POLITICAL ACTIVITIES. HOWEVER, SOME ARRESTS CONTINUE TO TAKE PLACE.

THE MOST RECENT SIGNS OF POSSIBLE RELAXATION INCLUDE A RESOLUTION PASSED BY THE GOVERNMENT CONTROLLED NATIONAL ASSEMBLY ON JULY 6 REQUESTING THAT EMERGENCY MEASURES BE LIFTED AND LENIENCY BE SHOWN TO THE EMERGENCY MEASURE PRISONERS. THIS WAS FOLLOWED BY THE PAROLE OF 14 EM-9 PRISONERS ON JULY 17 AND 17 MORE ON AUGUST 15 WHO WERE RELEASED AFTER SIGNING A CAREFULLY WORDED STATEMENT OF REGRET, THE TEXT OF WHICH HAD BEEN NEGOTIATED BETWEEN THE KOREAN GOVERNMENT AND KOREAN HUMAN RIGHTS AND CHURCH LEADERS. IN OCTOBER 1977, THE GOVERNMENT ENTERED INTO UNPRECEDENTED DIRECT DISCUSSIONS WITH LEADING DISSIDENTS IN AN EFFORT TO WORK OUT A PLAN FOR RELEASE OF MOST EM-9 PRISONERS.

AS 1977 DREW TO A CLOSE, PRISONER RELEASES TOOK A SIGNIFICANT STEP FORWARD. ELEVEN EM-9 VIOLATORS, INCLUDING ONE MYONGDONG DEFENDANT, WERE RELEASED FROM PRISON ON CHRISTMAS DAY. ON DECEMBER 31, THE ROKG RELEASED WITH A PARDON THE FIVE MYONGDONG DEFENDANTS WHO WERE STILL IN PRISON. THE ONLY MYONGDONG DEFENDANT WHO REMAINED IN CUSTODY WAS FORMER PRESIDENTIAL CANDIDATE KIM TAE-CHUNG. KIM HAD BEEN MOVED FROM PRISON TO SEOUL NATIONAL UNIVERSITY HOSPITAL DECEMBER 19 FOR MEDICAL TREATMENT.

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WITHIN THE PAST SIX MONTHS, THE PRESS, ALTHOUGH STILL UNDER SIGNIFICANT RESTRAINTS, HAS EXPANDED CONSIDERABLY THE DIMENSIONS OF ITS DISCUSSION OF CONTROVERSIAL ISSUES, INCLUDING FULLER REPORTING OF NATIONAL ASSEMBLY DEBATES AND FORTHRIGHT COVERAGE OF U.S. CONGRESSIONAL HEARINGS RELATED TO KOREAN INFLUENCE-BUYING SCANDALS AND THE SUBJECT OF MR. TONGSUN PARK.

THERE ARE PROHIBITIONS ON DIRECT CRITICISM OF PRESIDENT

PARK OR THE YUSHIN POLITICAL SYSTEM, OR EXPRESSION OF PRO-NORTH KOREAN SENTIMENTS. EMERGENCY MEASURE NO. 9 ALSO PROHIBITS CRITICISM OF THE EMERGENCY REGULATION ITSELF. RELIGIOUS EXPRESSION IS GIVEN WIDE LATITUDE AND NO RESTRICTIONS EXIST ON PROSELYTIZING BY ANY SECT.

TRADE UNION ORGANIZATION IS PERMITTED. COLLECTIVE BARGAINING CONTRACTS COVER 720,000 WORKERS RESULTING IN BETTER WAGES AND WORKING CONDITIONS THAN THEIR UNORGANIZED COUNTERPARTS. HOWEVER, UNIONS MAY NOT STRIKE. LOW WAGES AND LONG WORKING HOURS REMAIN CONTINUING PROBLEMS PARTICULARLY AMONG SMALLER, MARGINAL COMPANIES. LABOR CONDITIONS AMONG SUCH COMPANIES HAVE DRAWN SHARP ATTACKS FROM

FOREIGN AND KOREAN SOCIAL CRITICS.

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY, FOREIGN TRAVEL AND EMIGRATION POLICIES - FREEDOM OF MOVEMENT EXISTS WITHIN THE COUNTRY. THERE ARE SOME RESTRICTIONS ON FOREIGN TRAVEL, FOR POLITICAL, SECURITY AND ECONOMIC REASONS. HOWEVER, BY 1980 THE KOREAN GOVERNMENT HOPES ITS FOREIGN EXCHANGE POSITION WILL PERMIT TOURISM ABROAD. THE KOREAN GOVERNMENT HAS A LIBERAL EMIGRATION POLICY -- MORE THAN 30,000 TO THE U.S. IN 1976.

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C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS - THE ONLY DIRECTLY ELECTED OFFICIALS IN KOREA ARE TWO-THIRDS OF THE NATIONAL ASSEMBLY REPRESENTATIVES. MOST EFFECTIVE POWER IS CENTRALIZED IN THE OFFICE OF THE PRESIDENT. HE APPOINTS ONE-THIRD OF THE NATIONAL ASSEMBLY MEMBERSHIP, THE PRIME MINISTER AND THE CABINET, AND MAY SUSPEND INDIVIDUAL RIGHTS BY DECREE.

SINCE WORLD WAR II, NATIONAL ASSEMBLYMEN HAVE GENERALLY HAD VERY HIGH PRESTIGE IN KOREA. FOLLOWING THE INTRODUCTION OF THE PRESENT YUSHIN CONSTITUTION IN 1972, HOWEVER, THE PUBLIC HAS CORRECTLY PERCEIVED THE REDUCED INFLUENCE AND INDEPENDENCE OF THE NATIONAL ASSEMBLY AND THE PRESTIGE OF ASSEMBLYMEN HAS DECLINED CORRESPONDINGLY. HOWEVER, THE 1977 ASSEMBLY SESSION WITNESSED A MARKED REVIVAL OF ACTIVE DEBATE AND CRITICISM OF GOVERNMENT POLICIES. GRASS ROOTS EXCHANGE BETWEEN THE PEOPLE AND THE BUREAUCRACY TAKE PLACE THROUGH AN EXTENSIVE SYSTEM OF VILLAGE COUNCILS AND SELF-HELP PROJECTS.

ANOTHER DIMENSION OF THE PROBLEM CENTERS ON THE DIRECTION OF POLITICAL DEVELOPMENT IN KOREA. THOSE IN OPPOSITION TO THE CURRENT AUTHORITARIAN STYLE OF GOVERNMENT ARE NOT OF

ONE MIND ABOUT THE NATURE OF A SYSTEM TO TAKE ITS PLACE. SOME DESIRE THE URGENT IMPLEMENTATION OF A WESTERN STYLE DEMOCRATIC FORM OF GOVERNMENT. OTHERS ARGUE THAT KOREA'S POLITICAL AND CULTURAL TRADITIONS AND SPECIAL SECURITY PROBLEMS JUSTIFY A CONTINUATION OF A STRONG AND DECISIVE CENTRAL GOVERNMENT. HOWEVER, THEY TOO WANT A GOVERNMENT TO RESPECT THE INTEGRITY OF MINORITIES EVEN IF THE LATTER ARE CRITICAL. THEY ALSO WANT THE GOVERNMENT TO PROMOTE A GRADUAL OPENING OF THE POLITICAL SYSTEM TO PERMIT THE DEVELOPMENT OF PARTICIPATORY DEMOCRACY.

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RAPID INDUSTRIALIZATION, ECONOMIC GROWTH AND CONCOMITANT SOCIAL MODERNIZATION ARE CREATING NEW POWER CENTERS IN BUSINESS, IN THE BUREAUCRACY, AND ELSEWHERE. SUCH INDICATIONS ARE PARTICULARLY VISIBLE AT THE COMMUNITY LEVEL.

3. RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION:

A. POLICIES RESPONDING TO OR IGNORING NEEDS OF THE POOR - THE CORNERSTONE OF THE KOREAN GOVERNMENT'S POPULAR SUPPORT HAS BEEN ITS ECONOMIC PERFORMANCE, BOTH IN STIMULATING GROWTH AND IN PROVIDING ACCESS TO THE INCREASED WEALTH BY MOST ELEMENTS OF THE SOCIETY. PER CAPITA GNP HAS GROWN FROM LESS THAN \$200 IN 1968 TO MORE THAN \$800 IN 1977, AND THE WORLD BANK HAS PRAISED THE SUCCESS OF THE KOREANS IN MAINTAINING A RELATIVELY EGALITARIAN PATTERN OF INCOME DISTRIBUTION, PROVIDING WIDESPREAD AND USEFUL EDUCATIONAL OPPORTUNITIES, AND MAKING AVAILABLE PRODUCTIVE EMPLOYMENT FOR A GROWING LABOR FORCE (AT THE SAME TIME REDUCING THE POPULATION GROWTH RATE). MUCH REMAINS TO BE DONE, AND PUBLIC HEALTH CARE, VOCATIONAL EDUCATION, LABOR RELATIONS AND INDUSTRIAL SAFETY ARE PRIORITY ITEMS FOR THE NEXT FIVE-YEAR ECONOMIC PLAN. REAL INCOME HAS BEEN RISING IN THE ECONOMY AS A WHOLE.

SOUTH KOREA IS EXCEPTIONAL AMONG DEVELOPING ASIAN COUNTRIES IN ITS LACK OF CLASS DISTINCTIONS, RAPID SOCIAL MOBILITY, USE OF A MERIT SYSTEM IN DETERMINING ACCESS TO HIGHER EDUCATION, AND EFFORTS TO REDUCE THE DISPARITY BETWEEN RURAL AND URBAN INCOMES.

B. CORRUPTION DIVERTING RESOURCES TOWARD THE ELITE AND  
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AWAY FROM THE POOR - EQUALLY IMPRESSIVE AND IMPORTANT FOR POPULAR SUPPORT HAS BEEN AN INTENSE GOVERNMENT CAMPAIGN WHICH HAS VIRTUALLY ELIMINATED LOW LEVEL CORRUPTION AND

SIGNIFICANTLY REDUCED IT AT THE HIGHER LEVELS.

DURING 1977 THE OPPOSITION NOW DEMOCRATIC PARTY HAS CONDUCTED A MAJOR CAMPAIGN TO EXPOSE ALLEGED CORRUPTION WITHIN THE GOVERNMENT. PRESIDENT PARK HAS RESPONDED WITH STRONG ADMONITIONS TO HIS CABINET TO ENFORCE DISCIPLINE AND HONESTY, AND HAS SUPPORTED THE PUBLICATION IN THE



PRESS OF THE NAMES OF CORRUPT PUBLIC OFFICIALS.

4. GOVERNMENT RESPONSIBILITY FOR THE FOREGOING RECORD:  
THE SOCIAL AND ECONOMIC PROGRAMS WHICH HAVE PRODUCED  
SIGNIFICANT PROGRESS OF BENEFIT TO THE KOREAN PEOPLE.  
HOWEVER, IT IS ALSO RESPONSIBLE FOR A POLITICAL SYSTEM  
WHICH CURTAILS CIVIL AND POLITICAL LIBERTIES AND DENIES  
CERTAIN INDIVIDUAL HUMAN RIGHTS.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTER-  
NATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED  
VIOLATIONS OF HUMAN RIGHTS: THE KOREAN GOVERNMENT HAS  
ALLOWED A NUMBER OF OUTSIDE HUMAN RIGHTS GROUPS TO VISIT  
AND INTERVIEW OPPOSITION FIGURES WITH FEW FORMAL RESTRIC-  
TIONS. AMNESTY INTERNATIONAL SENT A MISSION TO KOREA IN  
EARLY 1975. NEWSMEN ALSO HAVE FREEDOM OF MOVEMENT WITHIN  
SOUTH KOREA. THE GOVERNMENT HAS NOT ALLOWED INTERVIEWS  
WITH PERSONS ACTUALLY IN PRISON, AND INVESTIGATING GROUPS  
HAVE COMPLAINED THAT THOSE WITH WHOM THEY HAVE MET HAVE  
SOMETIMES BEEN HARASSED AND QUESTIONED BY GOVERNMENT  
OFFICIALS. THERE HAVE ALSO BEEN SOME REPORTS OF ATTEMPTS  
TO OBSTRUCT INVESTIGATIONS. END TEXT CHRISTOPHER  
UNQUOTE".

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